

EXHIBIT 3

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 No. 5:16-cv-10444
IN RE: FLINT WATER CASES Hon. Judith E. Levy
5 Mag. Mona K. Majzoub

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8
9 HIGHLY CONFIDENTIAL
10 VIDEOTAPED DEPOSITION OF DEPIN (THEPING) CHEN
11 VOLUME I
12 Monday, November 25, 2019
13 at 9:03 a.m.

14 Taken at: Weitz & Luxenberg PC
15 3011 West Grand Boulevard, Suite 2100
16 Detroit, Michigan 48202

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21 REPORTED BY: CAROL A. KIRK, RMR/CSR-9139
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1 15 questions that I could have asked that I
2 didn't or could have asked differently, but I
3 didn't.

4 When you look back on this job, on
5 the Veolia job, and your role in it, do you feel
6 like there's anything that Veolia could have
7 done differently and better that it should have?

8 MR. MCELVAINE: Objection.

9 You can answer.

10 A. Yeah, to be selfish, to be
11 protective, you know, my reservation, like I
12 said, in my February 2nd e-mail, I just don't
13 think it's a good project for Veolia, you know.
14 And today's probably the evidence of that, you
15 know.

16 But on the other hand, I do -- you
17 know, my colleagues, they do have these -- they
18 believe they can really help the city when they
19 have the water treatment and the quality issues.

20 Yeah, Veolia is a water company,
21 and we're willing to take any challenges to make
22 it better, you know, through the engineering and
23 solution, yeah, yeah.

24 Q. And I don't want to get too

1 personal with you, but on a personal level, do
2 you have any regrets about things you did or
3 didn't do that you could have done as part of
4 your role in this project?

5 MR. MCELVAINE: Objection.

6 You can answer.

7 A. No. Professionally I think I did
8 my best. I told you, I did identify the bromate
9 issue, which I told you --

10 (Reporter clarification.)

11 A. The bromate issue. Bromate is a
12 problem from the water plant if it leaves the
13 plant. In fact, every person in the city of
14 Flint. I mean, without us being there, you
15 would have another violation. You don't know
16 how many people are going to get harmed, right?
17 So we did address that.

18 And we did provide a good
19 recommendation for TTHM. I think they did meet
20 the following, like, regulation compliance. And
21 so we did make a good recommendation.

22 So professionally I don't have
23 regrets, you know. The only -- like I said, I
24 have reservation under these kind of situation.

1 A. Yeah. Again, it's just -- after
2 the first internal call, yeah, it was just --
3 yeah, it was just my preference, my concern,
4 yeah.

5 Q. Okay. And as you sit here today,
6 that's -- you know what? Withdraw that
7 question.

8 You are aware of what ultimately
9 happened in Flint, correct?

10 A. Yes.

11 MR. MCELVAINE: Objection.

12 I'm not sure what "all" --

13 Q. You're aware that the water in
14 Flint had dangerous levels of lead?

15 MR. MCELVAINE: Objection.

16 You can answer.

17 A. Yeah, I knew the report, that
18 there was a high level there.

19 Q. Were you aware that a state of
20 emergency was declared for the city of Flint?

21 A. Not exactly, but I know there was
22 a problem there.

23 Q. And as you sit here today, there's
24 nothing that you wish you would have done

1 differently on this project?

2 MR. MCELVAINE: Objection. You

3 can answer for, I think, the fourth

4 time.

5 A. Yeah, I didn't think so, because

6 based on the data I was provided, it was just a

7 comment when I reviewed the other utility. If

8 they present me with this data, yeah, there just

9 wasn't any reason for me basically, yeah, to do

10 any investigative work or -- yeah, work.

11 MR. BLAKE: Okay. I have nothing

12 further.

13 THE VIDEOGRAPHER: Going off the

14 record at 5:02 p.m.

15 (Recess taken.)

16 THE VIDEOGRAPHER: We're back on

17 the record at 5:04 p.m.

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19 CROSS-EXAMINATION

20 BY MR. DAWSON:

21 Q. Mr. Chen, my name is Don Dawson.

22 I represent some of the plaintiffs in this


23 litigation. I have a very specific inquiry for

24 you.

CERTIFICATE

I, Carol A. Kirk, a Registered Merit Reporter and Notary Public in and for the State of Michigan, duly commissioned and qualified, do hereby certify that the within-named DEPIN (THEPING) CHEN was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth in the cause aforesaid; that the deposition then given by him was by me reduced to stenotype in the presence of said witness; that the foregoing is a true and correct transcript of the deposition so given by him; that the deposition was taken at the time and place in the caption specified and was completed without adjournment; and that I am in no way related to or employed by any attorney or party hereto or financially interested in the action; and I am not, nor is the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Dexter, Michigan on this 9th day of December 2019.



CAROL A. KIRK, RMR, CSR-9139

NOTARY PUBLIC - STATE OF MICHIGAN

My Commission Expires: August 19, 2022.

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